

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1- 60 and 62 - 91 are in this Application. Claims 1 -60 and 62 - 91 have been rejected under 35 U.S.C. § 112. Claims 1 – 60 and 62 – 91 have been rejected under 35 U.S.C. § 103. Claims 52, 60, 71 and 78 are cancelled in the present response. Claims 61, 81 and 85 have been canceled in a previous response. Claims 1, 21, 51, 59, and 69 have been amended herewith.

Amendments To The Claims

Objections

Claims 52, 60, 71 and 78 are cancelled, as requested by the Examiner.

35 U.S.C. § 102 and 103 Rejections

Claim 1 has been amended to define the non-irradiative sensor as a sensor that characterizes tissue based on the interactions of an electromagnetic *field produced by the sensor* with the tissue to be characterized. This is distinguished from the sensors of Iddan where there is radiation and indeed reflection of radiation but there is no characterization due to changes in an electromagnetic *field produced by the sensor*.

In Iddan electromagnetic sensors all use radiation but none of them uses changes in produces electromagnetic fields.

Furthermore it is noted that the sensor of Idan, would not be *suitable* to provide an electromagnetic *field* within which tissue could be located and which could then detect changes in the field to characterize the tissue. The sensors disclosed by the prior art are neither designed to set up fields nor to detect any changes in those fields.

Thus, even if the Examiner takes a broad reading of "configured for" as meaning "suitable for", the claim language is *still* not met by the prior art.

That is to say, Iddan fails to teach:

a non-irradiative electromagnetic sensor for tissue characterization, configured to be placed proximally to an edge of a tissue for characterization and *to produce electromagnetic fields*, said characterization being without penetration by said non-

irradiative electromagnetic sensor of the tissue being characterized, *said characterization being performed by measurement of reflections of said electromagnetic fields following interaction with said tissue;*

The same amendment has been made to each of the other independent claims.

Support for the amendment is to be found inter alia at the paragraph beginning on page 13 line 12. Page 9 last line teaches that the sensor induces electromagnetic fields.

Regarding claims 51 and 59, the combination of Iddan and Ouchi likewise fails to teach the feature of the tissue being characterized by measurement of reflections of electromagnetic *fields*, since Iddan does not teach such a feature and Ouchi was cited only to teach the second instrument.

In view of the above amendments and remarks it is respectfully submitted that claims 1 – 51, 53 - 59, 62-70, 72 – 77, 79 - 80, 82-84, and 86-91 are now in condition for allowance. A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

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Enclosures:

- Petition for Extension (3 Months)
- RCE